

Appl. No. 10/668,065
Amdt. dated April 17th, 2006
Reply to Office action of January 23rd, 2006

REMARKS

The Examiner rejected claims 19, 29 and 30 as being indefinite under 35 U.S.C. 112.

The applicant respectfully submits redrafted claims, which resolve the Examiner's objections.

The Examiner rejected claims 16 – 18 and 20 – 28 as being anticipated under 35 U.S.C. 102(b).

Applicant Requests Reconsideration of the Examiner's Finding Under 102(b).

Applicant respectfully requests reconsideration of the examiner's finding under 102(b) with respect to U.S. Patent No. 3,169,004 to Rapata, ("Rapata"). While Rapata teaches the basics of attaching a bundle of wires to a panel, it fails to teach all elements of the claimed invention, including elements such as a fastener device having a fastener assembly "adapted to snap engage an arch." as required by each claim of the present application.

A claim can only be invalid under 35 U.S.C. 102 as anticipated by a prior art reference if the prior art reference teaches all elements of the claim. The applicant respectfully submits that the examiner's rejection is in error because the examiner has failed to show how Rapata teaches all elements of claim 16, for example.

Rapata relates to "a fastener for securing wires, cables, conduits or other work means to a workpiece or panel." (Rapata, Col. 1, Lns. 9-11). While Rapata may teach a band wrapping around "elongated work means," (Rapata, Col. 1, Lns. 23-27), Rapata fails to teach attaching a secondary item to the fastening device such as the arch of the shower caddy.

Nor can the "workpiece" taught in Rapata serve as the "arch" required by each claim of the current invention. First, in describing a workpiece, Rapata contemplated stable surfaces such as a wall, panel, or bench. Second, in Rapata, the fastening device comprises the male part,

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adapted to engage "a suitable aperture in the workpiece 26." (Rapata, Col. 2, Lns. 38 - 41). Such a teaching by Rapata is clearly distinguishable from the elements of the present claims.

Furthermore, Rapata fails to teach using a groove in the fastener assembly to snap engage the shaft of an arch. In Rapata, the "stud" is designed to fit through an aperture in the band, then fit into a second aperture in the workpiece. Such a teaching by Rapata is clearly distinguishable from current invention which requires a groove adapted to snap engage the shaft of an arch.

Not only is the distinction in the fastening method clear from a comparison of the written descriptions of the two inventions, but an actual application of Rapata to the purpose proposed in the current invention would demonstrate that Rapata cannot fulfill the function of the current invention, as the stud can only engage a secondary item if it includes an aperture, which shafts of shower caddy arches generally do not include, and which would require a design change in the shower caddy which the current invention does not require.

Applicant respectfully requests reconsideration of the examiner's finding under 102(b) with respect to U.S. Patent No. 3,169,004 to Rapata, ("Rapata"). Rapata fails to teach all elements of the claimed invention. Additionally, the elements present in the current invention which are missing in Rapata make the current invention uniquely qualified to fulfill the attachment purposes as envisioned.

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Conclusion

Applicant respectfully submits that claims 16, 17, 19, 21, and claims 23 - 31 are patentable over the references cited by the Examiner. In light of the arguments set forth above, Applicant earnestly believes that the above-claims are allowable.

If the examiner feels that for any reason this patent application is not in condition for allowance, then the Applicant respectfully requests that the Examiner contact the undersigned at (773) 315-8093. Applicant would also appreciate an interview with the Examiner to address any outstanding issues and thus expedite prosecution of this patent application to issuance.

Respectfully Submitted

Date: 4/17/06



Patrick O'Rourke

Applicant